

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE
LICENSE OF

CHARLES H. SCOTT, L.P.N.
License # 26NP04630600

TO PRACTICE NURSING IN THE
STATE OF NEW JERSEY

Administrative Action

**FINAL ORDER
OF DISCIPLINE**

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Charles H. Scott ("Respondent") is a Licensed Practical Nurse (LPN) in the State of New Jersey, and has been a licensee at all times relevant hereto.
2. On or about August 21, 2014, the Board sent a letter of inquiry by certified and regular mail to Respondent's address of record, asking Respondent to supply certain information and documents, including documentation of nursing continuing education completed in the last three years. The certified mailing of the letter of inquiry was signed upon delivery. The regular mailing was not returned.
3. Respondent provided a response to the information request, however failed to provide any documentation of nursing continuing education.

4. On his 2014 renewal application, Respondent indicated that he would have timely completed continuing education requirements for the June 1, 2012 – May 31, 2014 licensing cycle by May 31, 2014.

CONCLUSIONS OF LAW

Pursuant to N.J.A.C. 13:37-5.3(b), nurses are required to complete a minimum of thirty (30) hours of continuing education during the preceding biennial period in order to renew their licenses. Pursuant to N.J.A.C. 13:37-5.3(f), nurses are required to maintain documentation of completion of continuing education for a period of four years after completion, and shall submit such documentation to the Board upon request.

Respondent's failure to document required continuing education for the June 1, 2012 – May 31, 2014 licensing cycle constitutes a violation of N.J.A.C. 13:37-5.3, subjecting Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's indication on his 2014 renewal application that he would have completed required continuing education for the June 1, 2012 – May 31, 2014 licensing cycle by May 31, 2014 constitutes misrepresentation within the intentment of N.J.S.A. 45:1-21(b).

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking a suspension, reprimand, and two hundred and fifty dollar (\$250) civil penalty was entered on December 29, 2014. Copies were served upon Respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by setting

forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor.

Respondent timely replied to the Provisional Order of Discipline by providing a letter maintaining that he had previously sent in proof of his continuing education, a copy of an email with a list of 13 topics for which Respondent maintains that he earned 1.5 "elective CEUs" for each, and a copy of an American Red Cross card issued for CPR/AED for Professional Rescuers and Health Care Providers. Respondent failed to provide acceptable documentation, in the form of certificates of completion indicating the number of contact hours awarded for each course, the date of completion, and whether the course was approved/accredited as continuing education for nurses.

After the Board received Respondent's reply, a letter was mailed to Respondent, via certified and regular mail, explaining that the proof Respondent had submitted was insufficient and that actual certificates of completion were required. The regular mailing was not returned. The United States Postal Service Tracking system indicates that the certified mail was delivered on February 5, 2015. The Board received no further information from Respondent, even after extra time was afforded. In April 2015, another letter was sent to Respondent, via regular and certified mail, indicating that the Provisional Order would be finalized without modification unless Respondent submitted appropriate documentation of completion of continuing education. The regular mail was not returned. The receipt for the certified mail was signed upon delivery on April 22, 2015. To date, the Board received no further information from Respondent.

The Board reviewed Respondent's submissions and determined that further

proceedings were not necessary. The Board was not persuaded that the submitted materials merited further consideration. Respondent has failed to demonstrate, to the satisfaction of the Board, that he timely completed any continuing education within the June 1, 2012 – May 31, 2014 biennial period or thereafter. As such, the Board has determined to finalize the Provisional Order without modification.

ACCORDINGLY, IT IS on this 9th **day of** July **, 2015,**
ORDERED that:

1. Respondent's New Jersey nursing license is hereby suspended until he has demonstrated, to the satisfaction of the Board, completion of thirty (30) contact hours of continuing education for each biennial renewal period from June 1, 2012 to the time of reinstatement, and until further Board Order. Continuing education hours taken currently and applied to cure the deficiency from a previous biennial period shall not also be used to satisfy the requirements of the current biennial period.

2. A public reprimand is hereby imposed upon Respondent for the violation of N.J.S.A. 45:1-21(b).

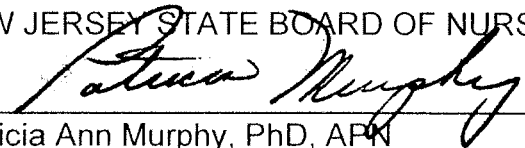
3. A civil penalty in the amount of two hundred and fifty dollars (\$250) is hereby imposed for the violation of N.J.A.C. 13:37-5.3. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to State Board of Nursing, Attention: Leslie Burgos, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than twenty-one (21) days after the date of filing of this Final Order of Discipline. In the event Respondent fails to make

a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

4. Respondent shall refrain from practicing as a nurse and shall not represent himself as a Licensed Practical Nurse until such time as his license is reinstated. Any practice in this State prior to reinstatement shall constitute grounds for a charge of unlicensed practice.

NEW JERSEY STATE BOARD OF NURSING

By:



Patricia Ann Murphy, PhD, APRN
Board President